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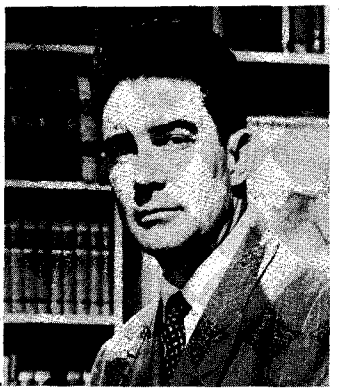

DAN SMOOT

FEDERAL FIREARMS LEGISLATION

"It is only after we have disarmed the bourgeoisie that the proletariat, without betraying its world historic mission, can turn its weapons into ploughshares. And that is the way the proletariat will act—but only then, and by no means before."(1)
Nikolai Lenin

"The most foolish mistake we could possibly make would be to allow the subject races to possess arms. History shows that all conquerors who have allowed their subject races to carry arms have prepared their own downfall by so doing."(1)
Adolph Hitler

"Among the many misdeeds of the British rule in India, history will look upon the Act of depriving a whole nation of arms the blackest."(1)
Mahatma Gandhi

"It [the government of Mexico] has demanded us to deliver up our arms; which are essential to our defense, the rightful property of freemen, and formidable only to tyrannical governments."(2)
Texas Declaration of Independence

The assassination of President John F. Kennedy precipitated a rash of demands for more stringent federal firearms control. Now, more than three months later, the rash is still spreading. These demands ignore constitutional prohibitions against federal firearms control. They ignore the profoundly important principle of liberty involved in that article of the Bill of Rights (Second Amendment to the Constitution) which orders the federal government not to infringe the right of the people to keep and bear arms. They ignore the fact that existing federal legislation in this field has failed to accomplish its stated purpose. They ignore the fact that stringent gun-control laws, while harassing and abridging the rights of law-abiding citizens, do not prevent criminals from getting deadly weapons. Some of the proposals for federal firearms control are so outrageous that they reflect either shocking stupidity or sinister purpose.

Stupid Or Sinister

One propagandist for more stringent federal firearms legislation is Drew Pearson, who, in a syndicated column dated December 3, 1963, said:

"If hate groups had not pressured Congress against passage of an arms registration act, Presi-

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dent Kennedy might still be alive today. Early in 1962, Representative Victor Anfuso, the Brooklyn Democrat, introduced a bill requiring individuals to register firearms with the FBI . . . . There was a storm of criticism from the right wing and a flood of letters to Congress. It's significant that part of the opposition came from Dallas where Dan Smoot . . . conducts a right wing radio program and sends a newsletter to gullible readers . . . .

"What motive, ulterior or otherwise, the pro-fascists had in opposing the registering of firearms is not known. At any rate, the pressure was so great the bill did not pass . . . ."

The truth is, the Anfuso Bill would have had nothing whatever to do with the kind of gun that killed President Kennedy. The Anfuso Bill was called the Federal Pistol Registration Act and would have required the registration of *pistols* —and pistols only—with the FBI.[3] President Kennedy was murdered with a rifle. The Anfuso Bill was not introduced in 1962, as Pearson says. It was introduced on January 3, 1961,[3] and lay, unnoticed by the public, before the House Judiciary Committee for more than a year. When there were indications of effort to have the Bill reported out of Committee, I devoted an issue of this *Report* ("Right To Keep And Bear Arms," March 19, 1962)to the subject. Soon thereafter, there was a "storm of criticism" and a "flood of letters to Congress," big enough to kill the Anfuso Bill before it got out of committee.

Another propagandist for more stringent federal firearms control is Elton H. Rule, Vice President of the American Broadcasting Company. A week after the assassination, Mr. Rule (on television station KABC, Hollywood) delivered an editorial entitled "This Gun For Sale." In his editorial (which was repeated 9 times in one week), Mr. Rule said:

"President Kennedy was assassinated by a mail order gun . . . anyone can buy a gun thru the mail . . . you can even send a submachine gun to Dad for Christmas anywhere in the country . . . from the well stocked shelves of mail order shops here in Los Angeles."[4]

While advocating a federal law to prohibit the mail-order distribution of submachine guns, Mr. Rule seems blithely ignorant that such a federal law has been in force since June, 1934. The National Firearms Act (Public Law 73-474, approved June 26, 1934) specifically restricts not only interstate transportation, but possession of submachine guns, sawed-off shotguns, and silencers.[5] Mr. Rule wants a federal law to prohibit the sale of firearms to any person who has been convicted of a crime or is under indictment for a crime, but such a law has been in force since 1938. The Federal Firearms Act of 1938 (Public Law 75-785, approved June 30, 1938) prohibits interstate transportation of any kind of gun to any person who has been convicted of, or is under indictment for, a crime of violence, or who is a fugitive from justice. The Federal Firearms Act even prohibits interstate transportation of a gun to any person who does not present proof that he is licensed to purchase a gun—if the purchaser lives in a state which requires such a license.[5]

The National Firearms Act of 1934 and the Federal Firearms Act of 1938 contain practically all prohibitions which most current advocates of more federal laws in the field claim to want. How much good have these old federal laws accomplished? None. On January 30, 1964, Mr. John M. Schooley testified before a Senate committee, opposing new proposals for federal firearms control laws. Mr. Schooley (former president of the National Rifle Association) has had thirty years' experience as the head of a large metropolitan police department and as a sheriff (in Denver, Colorado). Mr. Schooley said:

"In my many years of . . . law enforcement, I cannot recall one case where the provisions of the Federal Firearms Act prevented one criminal from securing a firearm, nor can I recall one instance when a crime was prevented by the provisions of the Act . . . .

"At the same time, you will find that many . . . honest citizens have been unnecessarily harassed by the terms of our federal firearms legislation already in effect."[6]

Mr. Schooley spoke of "the futility of attempting to reduce crime by legislation that depends upon criminal cooperation for its success," saying:

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"Such legislation does nothing more than curtail the ownership of firearms by law-abiding citizens. The criminal has never, is not now, nor will he ever be denied the tools of his profession by legislation directed at the tool and not at him."[6]

What are the *tools* of criminals? Mr. Schooley presented statistics (from FBI Uniform Crime Reports) on the kinds of weapons used (during 1961) in aggravated asaults. Guns were used in 12.7% of the cases. Objects suitable for "cutting or stabbing" were used in 44% of the cases; blunt objects were used in 24%; personal weapons (hand, fists, feet) were used in 12.3%. Poisons, acids, and "other weapons" were used in the remaining 7% of all reported cases of aggravated assault.[6]

If the advocates of gun-control laws really think they can eliminate crimes of violence by outlawing weapons used in such crimes, what do they propose to do about human hands, feet, teeth, knees and heads—not to mention kitchen utensils, razor blades, broken bottles, ice picks, and whatnot?

Firearms control laws—whether federal, state or local; whether intended to eliminate "mail-order" guns, or to require licensing and registration, or to prohibit distribution to criminals, juveniles, and irresponsible persons, or to control the distribution of certain types of guns; or whether intended to abolish firearms altogether — accomplish only one thing: they impair or abolish the right of law-abiding citizens to keep and bear arms. They cannot eliminate guns as the tools of criminals. Is anyone foolish enough to believe that Oswald could not have murdered President Kennedy if Oswald had not bought a mail-order gun from Klein's Sporting Goods Company in Chicago?

Much of the current agitation for stringent anti-gun laws implies that the murder of President Kennedy was possible because Dallas, in particular, and Texas, in general, have no "effective" gun-control laws. It is a fact that Texans are not required to license or register their guns (though it is illegal for criminals to possess guns). New York, on the other hand, has very restrictive gun-control laws. In 1963, 548 murders were committed in New York City; 113, in Dallas. There were more murders last year in New York City alone, than in the entire state of Texas.[7]

Today, we have more restrictive firearms regulations than ever before in the history of the United States; and today, there are more crimes of violence (more in actual number, and more in proportion to the total population) than ever before. This is not coincidental; it is inevitable. Criminal violence against law-abiding citizens will always increase, as citizens are restricted in their right to defend themselves.

A free man must have unrestricted right to own and use personal weapons, in the defense of his family, his home, and his own person, against any kind of marauder — whether the marauder be a soldier of an invading army, an agent of an internal political conspiracy, or a common criminal.

If a man loses his *right* to free, lawful use of personal firearms, he loses his identity as a free agent in a civilized country. He becomes totally dependent (and, therefore, ultimately a slave) upon centralized police authority for protection of his life, liberty, and property.

It is probably no exaggeration to say that an American citizenry, well armed with personal firearms, and possessing the knowledge to use them effectively and properly, would provide more defense against invasion by a foreign enemy —or against internal attempt to seize power— than all of the "National Defense" which President Johnson plans to buy with 51 billion, 200 million tax dollars in the next fiscal year.[8]

The early history of our nation tends to prove this assertion, and the example of Switzerland confirms it. Switzerland (which has not been involved in war since 1515) bases its national defense on a militia system, in which all boys, between ages 17 and 19, take voluntary rifle training. At age 19, all boys take tests for military service. Those not qualified are given firearms training and re-examined periodically. All members of the militia keep their guns, ammunition, and other fighting equipment at home; and they wear sidearms when going to the polls to vote,

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not to intimidate anyone, but to demonstrate pride in readiness to defend their nation against all enemies, domestic or foreign. In a crisis, Switzerland could instantly mobilize 850,000 men, armed and trained, out of a total population of 5,500,000. This represents, on a per capita basis, the biggest "national defense" army in the world; yet, Switzerland has practically no standing army to drain the public treasury for its upkeep and for benefits to its veterans.[9]

Our forefathers believed that a citizen's right to keep and bear arms, free from federal restriction, was basic and inalienable. Indeed, this right is so fundamental to freedom that tyranny must follow if it is abrogated.

It is suicidal to require the *registration* of the weapons of citizens in a free country. France had such a law before the Second World War. The nazis confiscated the records and the weapons, making effective resistance impossible, until the British and Americans smuggled weapons in.

It was a firearms registration-and-control law which enabled communists to disarm Czschoslovak patriots — and thus make the patriots of that country helpless when the communists decided to take over.

Many Americans remember the impassioned pleas of the British for personal firearms to defend their homes and families, in 1940, when a nazi invasion of England seemed imminent. The British had been disarmed by their own government, with severe firearms control regulations, comparable to those now proposed for the United States.

Many Americans also remember that, when our Armies overran Europe toward the end of World War II, we immediately confiscated and used, wherever possible, the lists of people who had been forced by their own government to register their firearms.

In 1939 and 1940, Finland, with a population of only four million (but with an unusually large number of trained riflemen) was able to resist and humiliate the mammoth armies of the USSR, whose population totaled about 170 million.

Why was Sergeant Alvin York so effective against the Germans in World War I? Because Alvin York had grown up in a free part of the world where a good rifle was a more indispensable part of a man's personal equipment than shoes were!

In May, 1919, a group of allied intelligence officers raided the headquarters of a revolutionary group in Dusseldorf, Germany. One document which they seized was entitled "Rules For Bringing About a Revolution." Three basic rules were set out. The first involved corruption of the young by instilling in them a contempt for religion and traditional morality. The second involved capturing means of communication so that revolutionists could control the thinking of the people and the programs of government. The third rule read:

"Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless."[10]

In the light of publicly known facts, and the experience of many nations, any proposal for any kind of federal firearms-control legislation must, at least, be stupidly conceived. Some current proposals appear to be worse than stupid.

Shortly after the assassination of President Kennedy, Dr. Edward U. Condon, former head of the National Bureau of Standards (presently a professor at the University of Colorado), wrote to Attorney General Robert F. Kennedy, demanding federal firearms legislation which would require police to register and *keep* all privately owned firearms, letting owners obtain their guns only for specified purposes and for short durations of time, and requiring the owners, while in possession of their firearms, to wear easily visible identification. Dr. Condon also demanded that something be done about training in the U. S. Armed Forces, because, he said, Lee Harvey Oswald "was thoroughly skilled in the art of killing" while "in the Marine Corps." Dr. Condon's alleged connections with communist spies and communist front organizations (in the 1940's and 1950's while he was a government official) were widely publicized.[11]

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On February 1, 1964, the Bureau of Research and Survey of the National Council of Churches reprinted (in *Information Service,* a bi-weekly publication) a statement by Alfred Hassler, executive secretary of the Fellowship of Reconcoliation. Among the officials of this extremist pacifist organization are some who have communist-front records. The National Council of Churches presented the Hassler statement as "one of the most thought-provoking" among the many "reactions to the assassination of President Kennedy." Hassler did not advocate gun-registration, or gun-control laws. He demanded abolition of *all means of violence,* including our Armed Forces. Hassler alleged that, in the United States, there is "widespread acceptance of violence including murder, as a valid instrument for achieving ends believed to be important." He said:

"The manufacture of nuclear, biological and chemical weapons and the means of their delivery . . . is the corporate preparation for mass murder for political ends. The war that our country has helped to wage in Vietnam, in which simple peasants have been killed and their homes and villages wiped out, is barbaric murder on a large scale. The arming and support of invaders who land on the shores of Cuba, like the economic boycott designed to starve the people of that island into submission, is a corporate sanction of 'justified' killing. So deeply is institutionalized violence imbedded in our culture that the paradox is hardly noticed when the President's funeral . . . is almost wholly framed with the military trappings of the state's own violence . . . .

"The man accused of being President Kennedy's assassin had been trained to kill in the United States Marines. Perhaps more importantly he had been taught that killing is permissible when important values are at stake . . . .

"Only in the rejection of systematized violence as a legitimate tool of organized society does there lie the hope of creating a community in which the rejected and embittered will not find ready-made sanction for the murderous expression of their bitterness."

The interest of American communist-fronters in gun-control laws was dramatically demonstrated in Pennsylvania, five years ago. In November, 1958, William S. Gailmore began a series of broadcasts on radio station WPEN, Philadelphia, advocating a strict "gun control" law. The radio station also bought advertising space in Philadelphia newspapers urging people to write their state legislators demanding a strong firearms-registration law. The campaign was effective. In early March, 1959, a group of Democrat state senators from Philadelphia introduced Senate Bill No. 412, proposing the severe firearms-registration law that Mr. Gailmore was demanding.[12]

On March 17, 1959, the Committee on Un-American Activities of the U. S. House of Representatives issued a report revealing that Gailmore (whose real name appeared to be Margolis) was not only associated with numerous communist front organizations but had also been seen attending closed communist party meetings "for top party people only."[12] On April 1, 1959, the Pennsylvania Senate Committee on Law and Order voted unanimously to kill the Gailmore-sponsored gun-registration Bill.[12]

There is abundant evidence that the United States Government (in the interests of world peace) is actively moving toward unilateral disarmament of the United States, planning the surrender of our Armed Forces to some agency of the United Nations, which is dominated by communists and socialists.[13] Internationalists who demand *national* disarmament are among those demanding federal firearms laws to disarm the citizenry.

Beatniks, pacifists, atheists, and one-worlders say we are moving inexorably toward a World Order; that, in order to survive on this "shrunken" planet, in an age of hydrogen bombs and intercontinental ballistic missiles, we must disarm and surrender to a World Authority; that anyone who still clings to old-fashioned notions of individualism and nationalism is mentally ill.

But healthy Americans, who persist in regarding themselves as individuals made in the image of God, know that there is a higher purpose in life than mere physical existence—they know that there are eternal and absolute principles of right and wrong, and that there are certain values in human life worth dying for.

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American patriots who love God and their country know that the major threat to the peace and happiness of the people of the United States is the drive toward World Order under a World Authority—which will come immediately after the disarmament of individuals and nations who believe in freedom and independence.

Pending Legislation

A large number of anti-firearms Bills have been introduced in the present Congress. Some are not being seriously considered; but the Senate Commerce Committee is holding public hearings and is expected to report favorably on *some form* of firearms-control law. Action by the House Committee on Ways and Means (Wilbur Mills, Arkansas Democrat, Chairman) on some sixteen pending anti-gun Bills has not yet been scheduled.

Here are a few pending Bills being given serious attention:

S 2345 (introduced by Republican Senators Jacob K. Javits of New York and Hugh Scott of Pennsylvania) requiring, among other things, that no gun be shipped in interstate commerce without a written certificate of approval by a law enforcement officer;

HR 9348 (introduced by Representative Wayne L. Hays, Ohio Democrat) which would prohibit sale of any firearms to individuals by mail;

HR 9315 (by Representative Charles S. Joelson, New Jersey Democrat) which would require all firearms shipped to individuals to be sent through local police, and would empower the FBI to set guidance standards for local police in handling such firearms shipments to individuals;

HR 9327 (by Representative Charles M. Teague, California Republican) which would require all firearms shipped to individuals to be delivered through local law-enforcement agencies;

HR 9347 (by Representative Seymour Halpern, New York Republican) which would require a sworn statement certified by local law-enforcement officials — and written notification to the carrier — prior to the shipment of any firearms in interstate commerce;

and the following House Bills, similar to those above:

HR 8004 by William S. Moorehead, Pennsylvania Democrat

HR 8081 by Seymour Halpern, New York Republican

HR 8174 by William S. Moorehead, Pennsylvania Democrat

HR 8176 by John W. Murphy, New York Democrat

HR 9236 by Richard Fulton, Tennessee Democrat

HR 9266 by Edith Green, Oregon Democrat

HR 9323 by Frank M. Karsten, Missouri Democrat

HR 9390 by Milton W. Glenn, New Jersey Republican

HR 9426 by Thomas P. O'Neill, Massachusetts Democrat

HR 9471 by Frank M. Karsten, Missouri Democrat

HR 9504 by Abraham J. Multer, New York Democrat

HR 9757 by John V. Lindsay, New York Republican

The gun-control law which the Department of Justice favors, and which is likely to be given the most serious consideration by both Houses of Congress, is S 1975, sponsored by Senator Thomas J. Dodd (Democrat, Connecticut). Dodd introduced the Bill on August 2, 1963, as an amendment to the Federal Firearms Act. Its original purpose was to impose federal controls on the interstate shipment of "mail order" pistols. Following the assassination of President Kennedy, Dodd has twice amended his Bill until it has become, virtually, a federal firearms registration bill for all kinds of guns moving in interstate commerce. The Dodd Bill would empower the Secretary of the Treasury to prescribe sworn statements which all purchasers of firearms would have to execute, and sworn statements which all sellers of firearms would be forced to execute and file with local law enforcement agencies. Dodd denies that his Bill is a firearms registration bill, merely because the sworn statements which sellers would be compelled to file do not include serial numbers of the guns!

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What To Do

The Second Amendment to the Constitution says:

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

This is an absolute prohibition against any kind of federal firearms law, since any such law clearly infringes upon the specified right of the people.

The two unconstitutional laws already on the federal statute books are a constant temptation, and "justification," for further illegal federal action in this field. Indeed, the Federal Firearms Act of 1938 contains two provisions which have already tempted the Secretary of the Treasury to write *administrative anti-gun laws* (administrative regulations, which have the force of law) without even going through Congress. The Federal Firearms Act provides, among other things, that:

Licensed dealers must maintain such permanent records of importation, shipment, and other disposal of firearms and ammunition as the Secretary shall prescribe.

The Secretary of the Treasury may prescribe such rules and regulations as he deems necessary to carry out the provisions of the law.[5]

On May 3, 1957, the Treasury Department announced a new regulation effective July 1, 1957. Here are the important provisions of that regulation:

1. Each manufacturer or importer of a firearm shall identify it by stamping in a manner not readily obliterated or altered, the name and location of the manufacturer or importer, and the serial number, caliber, and the model of the firearm.

2. Manufacturers' and dealers' records of receipt and disposal of firearms must be retained *permanently* on the premises until discontinuance of business by the licensee.

3. A manufacturer or dealer must maintain on the premises complete records of the production, receipt, or disposition, at wholesale or retail, of all pistol or revolver ammunition. The ammunition must be described as to manufacturer, type, caliber, and quantity, and the identity of the persons from whom received and to whom sold must be shown.

4. A person purchasing a firearm or handgun ammunition in 'over-the-counter' sales must acknowledge receipt thereof in his own handwriting in the prescribed record.

5. Any Internal Revenue officer shall have the authority to examine the books, papers, and records kept by a manufacturer or dealer and to examine his premises and stock during regular business hours in the daytime or whenever such premises may be open at night.[14]

This administrative law, in addition to further infringement upon the right of the people to keep and bear arms, would have violated the Fourth Amendment, by permitting agents of government to enter and search the private premises and property of dealers in firearms and ammunition, without a search warrant.

The Treasury Department's "authority" for this new law in 1957 was the Federal Firearms Act of 1938. The Department "enacted" the new law by merely announcing it in the *Federal Register*. Fortunately, a trained agent of a national gun club saw the notice in the *Federal Register* before the new regulations went into effect. Publicity, and a howl of public indignation, followed; and the Treasury Department withdrew the announced regulations[15]—no doubt awaiting a better time to try again.

The American public should demand not only that Congress reject the Dodd Bill and all other proposed firearms legislation, but also that it repeal the two federal laws already in existence: the National Firearms Act of 1934 and the Federal Firearms Act of 1938.

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FOOTNOTES

(1) Pamphlet, National Rifle Association, circa 1963
(2) *Texas Almanac for* 1961-1962, pp. 346-7
(3) *Congressional Quarterly Weekly Report,* January 27, 1961, p. 161
(4) *Editorial, 'This Gun For Sale,'* KABC-TV, Channel 7, Hollywood 27, California
(5) *Federal Firearms Laws,* complete texts published by National Rifle Association, 1600 Rhode Island Ave., Washington, D. C., 20006
(6) Copy of prepared text by John M. Schooley
(7) "Crime Increases," *The Dallas Times Herald,* March 6, 1964, p. 23A
(8) *Congressional Quarterly Weekly Report,* January 24, 1964, p. 141
(9) *The Encyclopedia Americana,* 1961 edition, Volume XXVI, pp. 148-9
(10) *The American Rifleman,* August, 1946, p. 31
(11) "Full Control Urged For Private Firearms," by Jack Gaskie, *The Rocky Mountain News,* Denver, Colorado, November 29, 1963; UPI dispatch from Boulder, Colorado, *The Colorado Springs Gazette,* December 1, 1963
(12) *Report to the NRA Committee on Firearms Legislation, Subject: Pennsylvania Senate Bill* 412, 1959
(13) For detailed discussion of national disarmament, see this *Report,* "Disarmament—Part I, Part II, Part III," May 6, 13, 20, 1963; "The Test Ban Treaty," August 5, 1963; and "Whistling Past the Graveyard of Experience" October 7, 1963.
(14) *The American Rifleman,* October, 1957, pp. 32-9
(15) *The American Rifleman,* February, 1958, p. 6

WHO IS DAN SMOOT?

Born in Missouri, reared in Texas, Dan Smoot went to SMU in Dallas, getting BA and MA degrees in 1938 and 1940. In 1941, he joined the faculty at Harvard as a Teaching Fellow in English, doing graduate work for a doctorate in American Civilization.

In 1942, he left Harvard and joined the FBI. As an FBI Agent, he worked for three and a half years on communist investigations in the industrial Midwest; two years on FBI headquarters staff in Washington; and almost four years on general FBI cases in various parts of the nation.

In 1951, Smoot resigned from the FBI and helped start Facts Forum. On Facts Forum radio and television programs, Smoot spoke to a national audience, giving *both* sides of controversial issues.

In July, 1955, he resigned and started his present independent publishing and broadcasting business — a free-enterprise operation financed entirely by profits from sales: sales of *The Dan Smoot Report,* a weekly magazine; and sales of a weekly news-analysis broadcast, to business firms, for use on radio and television as an advertising vehicle. The *Report* and the broadcast give only *one* side in presenting documented truth about important issues — the side that uses the American Constitution as a yardstick. The *Report* is available by subscription; and the broadcasts are available for commercial sponsorship, anywhere in the United States.

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